

BEFORE THE BOARD OF RADIOLOGIC TECHNOLOGISTS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed amendment of) NOTICE OF PUBLIC HEARING
ARM 24.204.408 applications, 24.204.501) ON PROPOSED AMENDMENT
limited permit applications - types, 24.204.504) AND ADOPTION
permits - practice limitations, 24.204.511)
permit examinations, and adoption of NEW)
RULE I renewal - proof of good standing)

TO: All Concerned Persons

1. On August 21, 2006, at 9:00 a.m., a public hearing will be held in room 489, 301 South Park Avenue, Helena, Montana to consider the proposed amendment and adoption of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Radiologic Technologists (board) no later than 5:00 p.m., on August 16, 2006, to advise us of the nature of the accommodation that you need. Please contact Helena Lee, Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2385; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdrts@mt.gov.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.204.408 RADIOLOGIC TECHNOLOGISTS APPLICATIONS

(1) Applications shall be made on printed forms provided by the ~~board office~~ department and signed by the applicant, with the signature acknowledged before a notary public.

(2) The application must be typed or legibly written in ink, ~~and~~ accompanied by the appropriate fee(s), and contain sufficient evidence that the applicant possesses the qualifications set forth in Title 37, chapter 14, MCA, and rules promulgated thereunder.

(3) The board shall review fully-completed nonroutine applications for compliance with board law and rules. The board may request additional information or clarification of information provided in the application as it deems reasonably necessary. Incomplete applications shall be returned to the applicant with a statement regarding incomplete portions.

(4) through (5)(c) remain the same.

(d) evidence of certification by the American Registry of Radiologic Technologists (ARRT) in x-ray technology. This evidence shall consist of the applicant being listed in the current ARRT directory. When the applicant is not listed

in the current ARRT directory, ~~he or she~~ the applicant shall submit to the board a certified copy issued by the ARRT of the original registration certificate; or (e) and (6) remain the same.

AUTH: 37-1-131, 37-14-202, MCA
IMP: 37-14-302, 37-14-305, MCA

REASON: It is reasonable and necessary to amend this rule as a means of keeping with the intent of House Bill (HB) 182 (Chapter 467, L. 2005) which became effective July 1, 2005. HB 182 generally revised and consolidated professional and occupational and licensing laws and provided distinction between department and board duties regarding licensure; requirement of standardized forms and removal of specific board references if duties are assigned to the department or provided generally to all boards. The amended rule implements the change in distinction between department and board.

The rule is further amended to make references gender neutral and comply with punctuation requirements.

24.204.501 LIMITED PERMIT APPLICATION - TYPES (1) A temporary practice permit as provided in 37-14-306~~(3)~~, MCA, may be obtained by radiologic technologist course graduates who have completed all requirements for licensure other than passage of the American Registry of Radiologic Technologists (ARRT) examination. In reference to 37-14-306, MCA, when the examination has been taken, the temporary permit is valid until notification by the examination service that the person either fails the first license examination for which the person is eligible following issuance of the temporary permit, or passes the examination and is granted a license.

(2) A limited practice permit as provided in 37-14-306~~(1) and (2)~~, MCA, may be obtained by:

(a) graduates of the ~~40~~ 88-hour course set forth in ARM 24.204.507; or

(b) students who have completed ~~12 months of a 24-month board approved x-ray course~~ half of a radiologic technologist program accredited by a mechanism recognized by the ARRT.

(3) A temporary regional hardship permit as provided in 37-14-306~~(4)~~, MCA, may be sought by applicants under the circumstances set forth in ARM 24.204.414.

(4) and (5) remain the same.

AUTH: 37-1-131, 37-14-202, 37-14-306, MCA
IMP: 37-14-306, MCA

REASON: It is reasonable and necessary to amend ARM 24.204.501(2)(a) because it clarifies the 48-hour course requirements comprised within each limited x-ray procedure, as identified in ARM 24.204.507(3)(a) - (g) are not included with the 40-hour fundamental course approved by the board, as identified in ARM 24.204.507(2)(a) - (h).

ARM 24.204.501(2)(b) is amended because term length at educational facilities varies between semesters and quarters, therefore, the board clarifies the length of time that a student must have completed of a radiologic technologist program accredited by a mechanism recognized by the American Registry of Radiologic Technologists (ARRT), prior to filing an application for a limited permit.

The rule is further amended to delete internal references to specific MCA sections. Removal of these references is preferred to eliminate the potential for references to be incorrect if the statute is amended and to necessitate the amendment of a rule only to modify this specific reference.

24.204.504 PERMITS - PRACTICE LIMITATIONS (1) remains the same.

(a) in the chest area, consisting of the thoracic region including the lungs, AP (anterior posterior) or PA (posterior anterior) views, lateral and apical lordotic routine chest exposures, and other views as needed by the ordering physician or interpreting radiologist, but in no case involving mammography procedures;

(b) of the extremities, AP or PA, lateral, and oblique routine exposures;

(c) of the spine, AP, lateral, and oblique routine exposures of the cervical, thoracic, and lumbar areas;

(d) through (f) remain the same.

(2) A limited practice permit holder or applicant may perform bone densitometry examinations upon successful completion of the bone densitometry equipment operators examination administered by the American Registry of Radiologic Technologists (ARRT) or the International Society of Clinical Densitometry (ISCD).

(3) ~~Forty-hour limited~~ Limited permit holders who completed the 88-hour training are not authorized or permitted to perform fluoroscopy procedures due to the difficulty in monitoring, limiting, and controlling the accumulative doses of ionizing radiation.

(4) and (5) remain the same.

AUTH: 37-1-131, 37-14-202, MCA

IMP: 37-14-301, 37-14-306, MCA

REASON: It is reasonable and necessary to amend this rule because ARM 24.204.504(2) clarifies that applicants for a limited permit who only want to perform bone densitometry procedures, are not required to hold a limited permit in a selected anatomic region prior to taking the bone densitometry examination.

ARM 24.204.504(3) clarifies the 48-hour course requirements comprised within each limited x-ray procedure, as identified in ARM 24.204.507(3)(a) - (g) are not included with the 40-hour fundamental course approved by the board, as identified in ARM 24.204.507(2)(a) - (h).

The rule is further amended to comply with punctuation requirements.

24.204.511 PERMIT EXAMINATIONS (1) All limited permit applicants shall take and pass the ARRT limited scope of practice in radiology core examination.

(a) through (2)(b)(ii) remain the same.

(iii) skull/ and sinuses;

(iv) remains the same.

(v) abdomen, gastrointestinal tract, and hip/ and pelvis (state combined examination).

(3) "Combined examination" as used in this rule means the examination consisting of abdomen (AB), gastrointestinal tract (GI) (postfluoroscopy films only), and hip/ and pelvis examinations.

(4) and (5) remain the same.

(6) Applicants for an 40 ~~88~~-hour course permit who fail any portion of the ARRT limited scope examination (core or any module examination) on two attempts shall be required to successfully complete additional coursework in the failed area(s) of the examination before being allowed to retake the failed portion(s) of the examination a third time.

(a) and (7) remain the same.

(a) the limited scope core examination;

(b) through (10) remain the same.

AUTH: 37-1-131, 37-14-202, MCA

IMP: 37-14-306, MCA

REASON: It is reasonable and necessary to amend this rule because this amended rule clarifies the 88-hour board approved course requirement as outlined in ARM 24.204.507. The permit examinations as outlined in ARM 24.204.511(1) accurately reflects the 40-hour mandatory requirement for the fundamentals and core exam and (2) allows for specific x-ray procedures in selected anatomic regions in which the applicant has completed the hour requirement pursuant to ARM 24.204.507(3) and qualifies the applicant to be administered that selected anatomic region exam.

The rule is further amended for clarity, to make references to the examination consistent, and to comply with punctuation requirements.

4. The proposed new rule provides as follows:

NEW RULE I RENEWAL - PROOF OF GOOD STANDING (1) A radiologic technologist license renewal must include a statement that affirms the licensee possesses a current copy of the American Registry of Radiologic Technologists (ARRT) pocket card.

AUTH: 37-1-131, MCA

IMP: 37-1-141, MCA

REASON: The board considers it to be reasonably necessary for the public's health, safety, and welfare, for the board to require that an individual prove that the licensee is a radiologic technologist in good standing with current continuing education and

no disciplinary action attached to the licensee's credential from the national ARRT registry.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdrts@mt.gov, and must be received no later than 5:00 p.m., August 29, 2006.

6. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at www.radiology.mt.gov. The department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. The Board of Radiologic Technologists maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdrts@mt.gov, or made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

9. Lon Mitchell, attorney, has been designated to preside over and conduct this hearing.

BOARD OF RADIOLOGIC TECHNOLOGISTS
ANNE DELANEY, CHAIRPERSON

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 17, 2006